

CITY COUNCIL AGENDA

JUNE 25, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:00 a.m. - Closed Session, Room 600, City Hall
Absent: Vice Mayor Shirakawa, Jr. and Council Member Dando.
(both excused).

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Member Diquisto (excused)
- **Invocation (District 6)**
Jennifer Hull, Children's Musical Theatre led in the invocation and introduced 3 vocalists who sang "Let's Hear It For The Boy".
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with the following addition: Item 4.2 was dropped.

1 CEREMONIAL ITEMS

- 1.1** Presentation of plaque to Jay Ross for 4 years service on the Planning Commission.
(Mayor)
(Rules Committee referral 6/19/02)
Council Member LeZotte joined Mayor Gonzales at the podium to present Jay Ross with the commendation.
- 1.2** Presentation of a commendation to Alexander Berger for recognition of his outstanding scholastic, youth, and community services achievements. (Chavez)
(Rules Committee referral 6/19/02)
Council Member Chavez joined Mayor Gonzales at the podium to present the commendation to Alexander Berger for his outstanding achievements and recognized him for his realization of the importance of skate parks for youths.
- 1.3** Presentation of a commendation to San José Fire Department Office of Public Education for their excellent programs. (Dando)
(Rules Committee referral 6/19/02)
Council Member Dando who presented the commendation to Fire Chief Alarcon, Captain Cheryl Faltersack and Sheri Busanski joined Mayor Gonzales at the podium. Fire Chief Alarcon also recognized Sheri Busanski for her outstanding contributions to the Senior Safety and Fall Prevention Program and presented her with the National Community Service Award from Fire House Magazine.

1 CEREMONIAL ITEMS

- 1.4 City Manager, Del D. Borgsdorf introduced Sara Hensley as the new Director of Parks, Recreation and Neighborhood Services.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.
None.

- 2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26657 – Amends in its entirety Chapter 5.06 of Title 5 of the San José Municipal Code to broaden the Director of Housing’s authority to make adjustments, within defined parameters, to loans and grants previously approved by the City Council and other changes.

Ordinance No. 26657 adopted.

- (b) ORD. NO. 26658 – Amends Section 19.38.320 of Chapter 19.38 of Title 19 of the San José Municipal Code to provide that any housing types not included in the most recent census data may be specified in a resolution of the City Council for purposes of calculating the Parkland Dedication and Park Impact Ordinances.

Ordinance No. 26658 adopted.

- (c) ORD. NO. 26659 – Adopts the Fifteenth Amended Century Center Redevelopment Plan, and makes certain findings.

This Item was deferred to August 6, 2002.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd)

Recommendation: Final adoption of ordinances:

- (d) ORD. NO. 26660 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the Century Center Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, the Neighborhood Business Clusters Redevelopment Plan, and the area added by the Fifteenth Amended Century Center Redevelopment Plan to effect the merger of said Redevelopment project areas, and makes certain findings.

This Item was deferred to August 6, 2002.

- (e) ORD. NO. 26662 – Adopts the Strong Neighborhoods Initiative Redevelopment Plan and makes certain findings.

This Item to be heard immediately following Item 10.1(b) and (c).

Ordinance No. 26662 adopted.

Noes: Reed

- (f) ORD. NO. 26663 - Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, the Neighborhood Business Clusters Redevelopment Plan, and the Strong Neighborhoods Initiative Redevelopment Plan to effect the merger of said Redevelopment project areas, and makes certain findings.

This Item to be heard immediately following Item 10.1(b) and (c).

Ordinance No. 26663 adopted.

Noes: Reed.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (g) ORD. NO. 26666 - Amends Sections 3.48.030 and 3.48.040 of Chapter 3.28 and Section 3.50.030 of Chapter 3.50 of Title 3 of the San José Municipal Code to amend the City of San José Deferred Compensation Plan and the PTC 457 Plan to conform to the technical corrections to the Internal Revenue Code adopted by the Job Creation and Worker Assistance Act of 2002 (P.L. 107-147).

Ordinance No. 26666 adopted.

- (h) ORD. NO. 26667 – Amends Section 4.78.020 of Chapter 4.78 of Title 4 of the San José Municipal Code to revise the definition of “cover material” for purposes of the disposal facility tax.

Ordinance No. 26667 adopted.

- (i) ORD. NO. 26670 – Amends Chapter 2.08 of Title 2 of the San José Municipal Code by amending Section 2.08.1630 to designate an attorney as one of the five members of the Campaign Finance Review and Ethics Board.

Ordinance No. 26670 adopted.

- (j) ORD. NO. 26671 – Reappoints former Chair Alex Stuart to the Campaign Finance Review and Ethics Board (Ethics Board) to a temporary term on the Ethics Board unless a replacement member is appointed prior to December 31, 2002.

Ordinance No. 26671 adopted.

- (k) ORD. NO. 26672 – Repeals Sections 10.32.112 and 10.32.115 of Chapter 10.32 and Chapter 10.33 of Title 10 of the San José Municipal Code, the Saturday Night Special/Junk Gun Ordinance and accompanying trigger lock and safe storage literature requirements.

Ordinance No. 26672 adopted.

- (l) ORD. NO. 26675 - Amends Section 11.96.070 of Chapter 11.96 of Title 11 of the San José Municipal Code to add a prohibition of commercial vehicles in excess of 5 tons on Mc Kay Drive between Ringwood Avenue and Oakland Road, Wayne Avenue between Ringwood Avenue and Oakland Road, and on Hicks Avenue, between Minnesota Avenue and Curtner Avenue.

Ordinance No. 26675 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

- (m) ORD. NO. 26676 – Establishes an Underground Utility District on Fourth Street, Fifth Street, Sixth Street from Saint John Street to Santa Clara Street, Seventh Street from Saint John Street to San Fernando Street, Santa Clara Street and San Fernando Street from Sixth Street to Seventh Street, and Saint John Street from Third Street to Seventh Street.

Ordinance No. 26676 adopted.

- (n) ORD. NO. 26677 – Rezones certain real property situated on the easterly side of Highway 101, approximately 1,000 feet northerly of Hellyer Avenue.
PDC 02-01-011

Ordinance No. 26677 adopted.

- (o) ORD. NO. 26678 –Rezones and prezones certain real property situated at the northwest corner of Samaritan Place and Samaritan Drive. PDC 01-05-063

Ordinance No. 26678 adopted.

- (p) ORD. NO. 26679 - Rezones certain real property situated at the southeast corner of Alum Rock Avenue and McCreery. PDC 02-029

Ordinance No. 26679 adopted.

- (q) ORD. NO. 26680 - Rezones certain real property situated at the east side of Capitol Avenue, approximately 100 feet northerly of Autumnvale Avenue.
PDC 02-031

Ordinance No. 26680 adopted.

- (r) ORD. NO. 26681 - Rezones certain real property situated at the south side of West Virginia Street, approximately 200 feet westerly of Bird Avenue.
PDC 01-019

Ordinance No. 26681 adopted.

- (s) ORD. NO. 26682 - Rezones certain real property situated at the southwest corner of Monterey Road and Curtner Avenue. PDC 01-03-048

Ordinance No. 26682 adopted.

- (t) ORD. NO. 26683 - Rezones certain real property situated at the southwest corner of Branham Lane and Vista Park Drive. PDC 01-04-052

Ordinance No. 26683 adopted.

- (u) ORD. NO. 26684 - Rezones certain real property situated at the east side of Dow Drive, approximately 250 feet northerly of Farm Drive. PDC 02-01-008

Ordinance No. 26684 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

- (v) ORD. NO. 26685 - Rezones certain real property situated at the east side of Saratoga Avenue, approximately 400 feet southerly of Kiely Avenue.
PDC 02-010
Ordinance No. 26685 adopted.
- (w) ORD. NO. 26686 - Rezones certain real property situated at the southwestern corner of Lewis Road and Wall Street. PDC 02-018
Ordinance No. 26686 adopted.
- (x) ORD. NO. 26687 - Rezones certain real property situated at the south side of Foxworthy Avenue, approximately 500 feet easterly of Old Almaden Road.
PDC 02-025
Ordinance No. 26687 adopted.
- (y) ORD. NO. 26688 - Rezones certain real property situated at the northwest corner of Aborn Road and future Murillo Avenue. PDC 02-043
Ordinance No. 26688 adopted.
- (z) ORD. NO. 26689 - Rezones certain real property situated at the west side of Winchester Boulevard, approximately 200 feet northerly of Neal Avenue.
PDC 02-044
Ordinance No. 26689 adopted.
- (aa) ORD. NO. 26690 - Rezones certain real property situated at the east side of S. Ninth Street, approximately 100 feet southerly of Keyes Street. C 02-037
Ordinance No. 26690 adopted.
- (bb) ORD. NO. 26691 - Rezones certain real property situated at the south side of East Reed Street, 80 feet easterly of South 12th Street. PDC 02-045
Ordinance No. 26691 adopted.
- (cc) ORD. NO. 26692 - Rezones certain real property situated at the west side of Ringwood Avenue, approximately 120 feet southerly of McKay Drive.
PDC 02-049
Ordinance No. 26692 adopted.

2 CONSENT CALENDAR

2.3 Approval of an ordinance to include incentive pay for Police Anti-Terrorist Training and clarify EMT pay.

Recommendation: Approval of an ordinance amending Section 3.36.020.3 of Chapter 3.36 of Title 3 of the San José Municipal Code, Police and Fire Department Retirement Plan, to include incentive pay for Police Anti-Terrorist Training in Compensation and to clarify that Emergency Medical Technician Pay is included in Compensation for purposes of calculation of retirement benefits. CEQA: Not a project. (Board of Administration for the Police and Fire Department Retirement Plan)

Ordinance No. 26693 passed for publication.

2.4 Approval to implement Convention Center Garage Parking Rates.

Recommendation: Approval of staff's report on the implementation of approved Convention Center Garage Parking Rates, effective August 1, 2002, including parking access for library customers. CEQA: Not a project. (Conventions, Arts and Entertainment/Library/Transportation)

Approved.

2.5 Approval of an agreement for business services with the Hispanic Chamber of Commerce.

Recommendation: Approval of an agreement with the Hispanic Chamber of Commerce to provide business services for the term July 1, 2002 through June 30, 2003, in an amount not to exceed \$104,000. CEQA: Not a project. (Economic Development)

Approved.

2.6 Approval of the status report on the City's Watershed Grant Program.

Recommendation:

- (a) Acceptance of the status report on the Watershed Grant Program;
- (b) Authorization for the Director of Environmental Services to continue the Watershed Grant Program to support watershed management and public participation; and
- (c) Approval of an agreement with the Silicon Valley Community Foundation to establish a donor-advised fund for Watershed Grant administration and disbursement in the amount of \$250,000, for the term July 1, 2002 through December 31, 2003.

CEQA: Not a project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.7 Approval to amend an agreement for the Countywide Household Hazardous Waste Collection Program.

Recommendation: Approval of a second amendment to the agency agreement with the County of Santa Clara for the Countywide Household Hazardous Waste Collection Program, to update the drop-off service schedule and charges to small businesses, at no additional cost to the City. CEQA: Exempt, PP02-06-163. (Environmental Services)

Approved.

2.8 Approval to amend an agreement to develop recommendations for flow reduction programs related to the WPCP's NPDES permit.

Recommendation: Approval of a first amendment to the agreement with Raines, Melton and Carella, Inc., for the development of recommendations for flow reduction programs related to the Water Pollution Control Plant's NPDES permit, increasing compensation by \$70,000, from \$95,000 to a total agreement amount not to exceed \$165,000. CEQA: Not a project. (Environmental Services)

Approved.

2.9 Approval to amend an agreement for the Home Energy Bill Assistance and Energy Efficiency Program.

Recommendation: Approval of a first amendment to the agreement with Economic and Social Opportunities Inc. (ESO) for an amount not to exceed \$1,000,000, to continue the San José Home Energy Bill Assistance and Energy Efficiency Program, and to extend the term of the agreement through June 2003, with no increase in total compensation, providing:

- (a) Financial assistance for energy bill payments to eligible residents of San José as defined by the California Low Income Home Energy Assistance Program guidelines;
- (b) Energy efficiency education, audits, and improvements to eligible San José residents as defined by the City of San José Community Development Block Grant guidelines.

CEQA: Not a project. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.10 Approval of an agreement for workers' compensation medical bill review services and preferred provider organization services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Diversified HealthCare Services to provide medical bill review services and preferred provider organization services at a cost not to exceed \$400,000, for the period July 1, 2002 to June 30, 2003, and authorizing the City Manager to exercise up to 4 one-year options to renew, at a cost not to exceed \$400,000 per year, subject to annual appropriation of funds by the City Council. CEQA: Not a project. (Finance)

Resolution No. 71083 adopted.

2.11 Approval to amend an agreement for general banking services.

Recommendation: Approval of the first amendment to the general banking services agreement with Union Bank of California (UBOC):

- (a) To increase the maximum annual compensation by \$150,000, from \$500,000 to a total agreement amount not to exceed \$650,000, for the period July 1, 2001 through June 30, 2002;
- (b) To increase the maximum annual compensation, by \$250,000, from \$500,000 to a total agreement amount not to exceed \$750,000, for the period July 1, 2002 through June 30, 2003;
- (c) To clarify the intent to allow UBOC to charge the City less than the maximum rates set forth in the agreement; and,
- (d) To make a technical correction to exhibit references.

CEQA: Not a project. (Finance)

Approved.

2.12 Approval to write-off uncollectible accounts receivable.

Recommendation: Adoption of a resolution authorizing the Director of Finance to write-off uncollectible accounts receivable totaling \$651,179.40. CEQA: Not a project. (Finance)

Resolution No. 71084 adopted.

2.13 Approval to purchase citywide insurance policies.

Recommendation: Approval to purchase citywide insurance policies for the period July 1, 2002 to June 30, 2003, in an amount not to exceed \$2,820,500. CEQA: Not a project. (Finance)

Approved.

2 CONSENT CALENDAR

2.14 Approval to amend an agreement for general financial advisory services related to the Airport Master Plan.

Recommendation:

- (a) Approval of the second amendment to the agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for general financial advisory services related to the Airport Master Plan, to extend the term of the agreement from July 1, 2002 to June 30, 2003, with no increase in compensation, and,

Approved.

- (b) Adoption of a resolution authorizing the City Manager to exercise the remaining two one-year options at no additional compensation.

CEQA: Resolution No. 67380. (Finance/Airport)

Resolution No. 71085 adopted.

2.15 Approval of a Master Agreement for Reciprocal Automatic Aid.

Recommendation:

- (a) Approval of a Master Agreement for Reciprocal Automatic Aid between the San José Fire Department and Santa Clara County Fire Protection District.

Approved.

- (b) Adoption of a resolution delegating authority to the Fire Chief to approve modification to the agreement with respect to Operational Procedures and Service Area designation.

CEQA: Not a project. (Fire)

Resolution No. 71086 adopted.

2.16 Approval of an agreement to provide a comprehensive Wellness Program for the San José Fire Department.

Recommendation: Approval of an agreement with CLUB ONE, Inc. to provide a comprehensive Wellness Program for the San José Fire Department in an amount not to exceed \$211,100, for the period July 1, 2002 to June 30, 2003. CEQA: Not a project. (Fire)

Approved.

2 CONSENT CALENDAR

2.17 Approval of agreements for legal practice management software and online legal research service.

Recommendation:

- (a) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with West Publishing Corporation doing business as Prolaw Software to provide Legal Practice Management Software, technical consulting, implementation services, training, and annual maintenance, in an amount not to exceed \$163,680. (General Services/City Attorney's Office)

Resolution No. 71087 adopted.

- (b) Adoption of a resolution authorizing the City Attorney to execute a three-year agreement with West Publishing Corporation, doing business as West Group, for the Westlaw online legal research service, in an amount not to exceed \$180,000. (City Attorney's Office)

CEQA: Not a project.

Resolution No. 71088 adopted.

2.18 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #39, and authorization for the Director of General Services to execute the purchase orders.

Approved.

- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #1, and authorization for the Director of General Services to execute the purchase orders.

Approved.

- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #2, and authorization for the Director of General Services to execute the purchase orders.

CEQA: Not a project. (General Services)

Approved.

2.19 Approval to purchase weapons and ammunition for the Police Department.

Recommendation: Report on bids and award the purchase of weapons and ammunition to L.C. Action Police Supply, for a total cost of \$107,057.08 including tax, and authorization for the Director of General Services to execute the purchase order.

CEQA: Not a project. (General Services)

Approved.

2 CONSENT CALENDAR

2.20 Approval to purchase 140 mobile radios and conditionally award the purchase of 140 remote control cables for the Police Department.

Recommendation: Report on bids and award the purchase of 140 Motorola Astro-Spectra W4 mobile radios, and conditionally award the purchase of 140 remote control cables for the Police Department to sole bidder, Motorola C & E, Inc., for a total cost not to exceed \$395,450.03 including tax and delivery, and authorization for the Director of General Services to execute a purchase order as follows:

- (a) Immediate purchase of 140 Motorola Astro-Spectra W4 mobile radios at a total cost of \$356,904.80 including tax and delivery; and
- (b) The possible purchase of 140 remote control cables, if determined by the Director of General Services as necessary, at a total cost of \$38,545.23 including tax and delivery.

CEQA: Not a project. (General Services)

Approved.

2.21 Approval of actions related to electrical services for convention and trade show events at Convention facilities.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement with The Expo Group (TEG) for all account management services necessary to provide customer support and billing of electrical services for convention and tradeshow events at the San José Convention Facilities, for the period of July 1, 2002 through June 30, 2004, with maximum compensation not to exceed \$400,000 annually.

This Item was dropped (2.21(a)).

- (b) Approval to reject proposals for account management services and electrical labor management services at the Convention Center.

CEQA: Not a project. (General Services/Conventions, Arts and Entertainment)

Approved.

2.22 Approval to amend the City's Pay Plan and simplify job classifications.

Recommendation: Adoption of a resolution:

- (a) To change salary ranges for the classifications of Principal Construction Inspector (3773), Supervising Environmental Services Specialist (8204), Executive Analyst I U (1631), and Executive Analyst II U (1636), effective June 25, 2002.
- (b) To change the job classification titles of:
 - (1) Engineer I (CE) UR (3817) to Engineer I;
 - (2) Civil Engineer I REG (3812) to Engineer I (Exempt);
 - (3) Engineer II (CE) UR (3818) to Engineer II;
 - (4) Civil Engineer II REG (3813) to Engineer II;

2 CONSENT CALENDAR

2.22 Approval to amend the City's Pay Plan and simplify job classifications. (Cont'd)

Recommendation: Adoption of a resolution:

(b) To change the job classification titles of:

- (5) Associate Engineer (CE) UR (3819) to Associate Engineer;
- (6) Associate Civil Engineer REG (3814) to Associate Engineer (Exempt);
- (7) Senior Civil Engineer (3815) to Senior Engineer;
- (8) Landscape Architect I UR (3858) to Structure/Landscape Designer I;
- (9) Architect I (3841) to Architect/Landscape Architect I;
- (10) Landscape Architect II UR (3842) to Structure/Landscape Designer II;
- (11) Architect II (3852) to Architect/Landscape Architect II;
- (12) Associate Landscape Architect UR (3855) to Associate Structure/Landscape Designer;
- (13) Associate Architect (3843) to Associate Architect/Landscape Architect; and,
- (14) Senior Architect (3844) to Senior Architect/Landscape Architect.

CEQA: Not a project. (Human Resources)

Resolution No. 71089 adopted.

2.23 Approval to execute a contract with The Standard Insurance Company for the City's Life Insurance Program.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a contract with The Standard Insurance Company to provide the life insurance program for City employees, retirees, and dependents for the period July 1, 2002 through June 30, 2006, at rates not to exceed the following:

- (a) Basic Life: \$0.27 per \$1,000 of coverage per month;
- (b) Supplemental Life: \$0.28 per \$1,000 of coverage per month;
- (c) Retiree Life: \$0.25 per \$1,000 of coverage per month; and,
- (d) Dependent Life: \$0.25 per \$1,000 of coverage per month.

CEQA: Not a project. (Human Resources)

Resolution No. 71090 adopted.

2.24 Approval to execute agreements to provide Employee Assistance Program services.

Recommendation: Adoption of a resolution authorizing the City Manager to execute three agreements with Managed Health Network (MHN) to provide Employee Assistance Program services for the term July 1, 2002 through June 30, 2006, with a combined value not to exceed \$710,000 for FY 2002-2003, for the following:

- (a) Non-Sworn Employee Assistance Program;
- (b) Sworn Employee Assistance Program; and,
- (c) Critical Incident Stress Management.

CEQA: Not a project. (Human Resources)

Resolution No. 71091 adopted.

2 CONSENT CALENDAR

2.25 Approval to amend an agreement with Mount Pleasant School District for a Smart Start Early Childhood Development Center.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to an agreement with Mount Pleasant School District, for the development of facilities at Mount Pleasant Elementary School to be operated as a San José Smart Start Early Childhood Development Center, for a term from the date of execution to June 30, 2011, in an amount not to exceed \$430,400. CEQA: Exempt, PP02-06-141. Council District 5. SNI: East Valley/680 Communities. (Parks, Recreation and Neighborhood Services)

Resolution No. 71092 adopted.

2.26 Approval of an agreement for operations and maintenance services in the Arena Green area of the Guadalupe River Park and Gardens.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Arena Management for the operation and maintenance of the Carousel, Children's Play Areas and Restrooms in the Arena Green area of the Guadalupe River Park and Gardens for a term of three years, with an option for a one additional year extension, at a cost to the City not to exceed \$136,022 per year. CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Resolution No. 71093 adopted.

2.27 Approval of joint funding with the County of Santa Clara for the acquisition of Pyzak Property.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a request to the Santa Clara County Open Space Authority to jointly fund, with the County of Santa Clara, the acquisition of the Pyzak Property (APN 704-11-010) under the 20 Percent Funding Program, with the City's share in the amount of \$900,000. CEQA: Exempt, PP02-06-142. Council District 2. (Parks, Recreation and Neighborhood Services)

Resolution No. 71094 adopted.

2.28 Approval to negotiate and execute an agreement for a land lease and swimming pool renovations at Blackford High School.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Campbell Union High School district for land lease and swimming pool renovations at Blackford High School in the amount of \$1,058,000 contingent upon the effectiveness of the SNI Project Area Redevelopment Plan, and make certain findings related to the proposed use of Redevelopment funds in the amount of \$975,000 for the project.

Resolution No. 71095 adopted.

2 CONSENT CALENDAR

2.28 Approval to negotiate and execute an agreement for a land lease and swimming pool renovations at Blackford High School. (Cont'd)

Recommendation:

- (b) Adoption of appropriation ordinance amendments for FY 2002-2003 in the Park Trust Fund:
 - (1) Establish an appropriation for the Blackford High School swimming Pool Renovations for \$83,000.
 - (2) Decrease the Reserve: Future PDO/PIFO Project by \$83,000.
Ordinance No. 26694 adopted.
 - (c) Adoption of an appropriation ordinance and funding sources resolution amendments for FY 2002-2003 in the City-Side Redevelopment Capital Fund:
 - (1) Establish an appropriation for Blackford High School Swimming Pool Renovations for \$975,000.
 - (2) Increase the Earned Revenue estimate by \$975,000.
- Council District 1. CEQA: Exempt, PP02-06-139.
(City Manager's Office/Redevelopment Agency)
Ordinance No. 26695 adopted.
Resolution No. 71096 adopted.

2.29 Approval to extend the Discount Parking Rate Program for Seniors, Veterans, and Persons with Disabilities.

Recommendation: Approval of a six-month extension of the Discount Parking Rate Program for Senior, Veterans, and Persons with Disabilities in four regional parks.
CEQA: Not a project. (Parks, Recreation and Neighborhood Services)
Approved.

2.30 Approval of an agreement related to services for the Police Academy.

- Recommendation:** Adoption of a resolution authorizing the City Manager to:
- (a) Execute an agreement with the South Bay Regional Public Safety Training Consortium (SBRPSTC) to provide facilities, equipment, instruction, and clerical support services for the San José Police Academy, in an amount not to exceed \$230,000 for the first year; and,
 - (b) Execute four (4) one-year options to renew the agreement without further Council action other than appropriation of necessary funding.
- CEQA: Not a project. (Police)
Resolution No. 71097 adopted.

2 CONSENT CALENDAR

2.31 Approval of an agreement for the Highway 87 Detour II Sanitary Sewer Reconstruction Project (Phase II).

Recommendation: Approval of an agreement with Raines, Melton & Carella, Inc., for design and construction support services of the Highway 87 Detour II Sanitary Sewer Reconstruction, Phase II Project in the amount of \$621,016, and for additional services in the amount of \$62,000, for a total agreement amount of \$683,016, for a term from the date of execution to December 31, 2005. CEQA: Exempt, PP02-05-119. Council District 3. (Public Works)

Approved.

2.32 Approval of actions to accept a donation of a right-of-way and temporary construction easement on Bret Harte Drive.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to accept a donation of approximately 4812.7 square feet of right-of-way and 2361.6 square feet of temporary construction easement on the south side of Bret Harte Drive, Assessor Parcel Number 701-41-029, from Philip S. Sanfilipo, Trustee, or his successor(s) of the Philip S. Sanfilipo and Martha E. Sanfilipo Family Trust Agreement dated July 18, 1989, and to execute any additional documents required for such acceptance. CEQA: Exempt, PP02-05-105. Council District 10. (Public Works)

Resolution No. 71098 adopted.

2.33 Approval of actions to accept a donation of a right-of-way and temporary construction easement on Sunset Avenue.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to accept a donation of right-of-way easement containing approximately 12,711.57 square feet and a temporary construction easement area containing approximately 9,246 square feet located on the southwesterly part of Sunset Avenue, between Kammerer Avenue and Sanders Avenue, from the Alum Rock Union Elementary School District for the purpose of widening Sunset Avenue, and to execute any additional documents required for such acceptance. CEQA: Exempt, PP02-04-075. Council District 5. SNI: East Valley/680 Communities. (Public Works)

Resolution No. 71099 adopted.

2.34 Approval to vacate the storm drainage easement located on the west side of Capitol Avenue.

Recommendation: Adoption of a resolution summarily vacating the storm drainage easement within Assessors Parcel Number 484-44-057 located on the west side of Capitol Avenue between Wilbur Avenue and Lombard Avenue. CEQA: Negative Declaration, PDC99-11-087. Council District 5. SNI: East Valley/680 Communities. (Public Works)

Resolution No. 71100 adopted.

2 CONSENT CALENDAR

2.35 Approval to amend an agreement for the Guadalupe Creek Trail Master Plan Project.

Recommendation: Approval of a first amendment to the agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Guadalupe Creek Trail Master Plan Project, extending the agreement term from October 31, 2002 to March 31, 2003, and increasing compensation by \$98,000, for a total agreement amount of \$337,000. CEQA: Exempt, PP02-04-164. Council District 10. (Public Works)

Approved.

2.36 Approval to amend an agreement for the Oakland Road Widening Project.

Recommendation: Approval of a first amendment to the agreement with BKF Engineers for consultant services for the Oakland Road Widening Project, increasing compensation by \$455,000, from \$95,000 to \$550,000, expanding the scope of services to include preliminary engineering, and extending the term of the agreement from December 31, 2002 to June 30, 2004. CEQA: Exempt, PP02-04-164. Council Districts 3 and 4. SNI: 13th Street. (Public Works)

Approved.

2.37 Approval to award a contract for the Hamann Park Play Area and Restroom Renovation Project.

Recommendation: Report on bids and award of contract for the Hamann Park Play Area and Restroom Renovation Project to the low bidder, JFC Construction, Inc., in an amount of \$359,171 and approval of a contingency in an amount of \$18,000. CEQA: Exempt, PP02-01-003. Council District: 6. (Public Works)

Approved.

2.38 Approval of a Master Agreement for the Parks Bond Emma Prusch Memorial Park and Various Park and Recreation Projects.

Recommendation: Approval of a Master Agreement for design consultant services with Orsee Design Associates for the Parks Bond Emma Prusch Memorial Park and Various Park and Recreation Projects, for a term from the date of execution to June 30, 2004, in an amount not to exceed \$245,000. CEQA: Not a project. (Public Works)

Approved.

2 CONSENT CALENDAR

2.39 Approval to reject bids for the Roosevelt Roller Hockey Rink Project and authorization to re-advertise and re-bid the Project.

Recommendation: Approval to reject bids for the Roosevelt Roller Hockey Rink Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, PP02-02-023. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works)

Approved.

2.40 Approval of an agreement for a RCP Interceptor and Brick Interceptor Rehabilitation Project (Phase VIB).

Recommendation: Approval of an agreement with Harris and Associates. Inc., for design services and construction support services for the 84-Inch RCP Interceptor and 60-Inch Brick Interceptor Rehabilitation Phase VIB Project in the amount of \$329,419, and for additional services in the amount of \$25,000, for a total agreement amount of \$354,419, for a term from the date of execution to December 31, 2004. CEQA: Exempt, PP02-05-114. (Public Works)

Approved.

2.41 Approval of a cost sharing agreement with the West Valley Sanitation District of Santa Clara County.

Recommendation: Approval of a cost sharing agreement with West Valley Sanitation District of Santa Clara County setting forth the respective obligations of the parties with regard to the construction, operation, and maintenance of joint use sanitary sewers retroactively, from July 1, 2000 to June 30, 2020, at no cost to the City. CEQA: Not a project. (Public Works)

Approved.

2.42 Approval to award a contract for the Improvement of Lewis Road Project.

Recommendation: Report on bids and award of contract for the Improvement of Lewis Road Project to the low bidder, Wattis Construction, Inc., in an amount of \$173,654, and approval of a contingency in an amount of \$17,500. CEQA: Exempt, PP00-10-154. Council District 7. (Public Works)

Approved.

2.43 Approval of an agreement to relocate a sanitary sewer line on Trimble Road.

Recommendation: Approval of an agreement with the City of Santa Clara to reimburse the City of San José for the relocation of a sanitary sewer line on Trimble Road in an amount not to exceed \$198,400. Council District 4. CEQA: Not a project. (Public Works)

Approved.

2 CONSENT CALENDAR

2.44 Approval to award a contract for the McLaughlin Avenue Underground Utility District Project.

Recommendation: Report on bids and award of contract for the McLaughlin Avenue Underground Utility District Project (Story Road to Panoche Avenue) to the low bidder, Norwood Construction in an amount of \$355,572, and approval of contingency in an amount of \$17,800. Council District 7. CEQA: Exempt, PP98-01-025. SNI Area: Rock Springs/Tully/Senter/Santee/Kennedy. (Public Works)

Approved.

2.45 Approval to reject the sole bid for the Almaden Community Center Modular Project and to re-advertise and re-bid the Project.

Recommendation: Approval to reject the sole bid for the Almaden Community Center Modular Project, and authorization for the Director of Public Works to re-advertise and re-bid the project. CEQA: Exempt, HA92-01-051. Council District 10. (Public Works)

Approved.

2.46 Approval to award a contract for the Bird and Fisk Pocket Park Project.

Recommendation: Report on bids and award of contract for the Bird/Fisk Pocket Park Project to the low bidder, JFC Construction, Inc., in an amount of \$162,414, and approval of a contingency in an amount of \$9,000. CEQA: Exempt, PP02-04-083. Council District: 6. SNI Area: Gardner/Atlanta. (Public Works)

Approved.

2.47 Approval to award a contract for the Monterey Road/First Street Tree Project.

Recommendation: Report on bids and award of contract for the Monterey Road/First Street Tree Project (280 Freeway - Curtner Avenue) to the low bidder, Lone Star Landscape, Inc., in an amount of \$397,000 and approval of a contingency in an amount of \$19,850. CEQA: Resolution No. 65657. Council Districts 3 and 7. SNI: Spartan/Keyes; Washington. (Public Works)

Approved.

2.48 Approval to award a contract for the Children of the Rainbow Park Play Area Renovation Project.

Recommendation: Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the Children of the Rainbow Park Play Area Renovation Project to the low bidder, Boulder Rock Landscape Construction, Inc., in an amount of \$129,200, and approval of a contingency in an amount of \$6,500. CEQA: Exempt, PP02-04-073. Council District: 5. SNI Area: NA. (Public Works)

Resolution No. 71101 adopted.

2 CONSENT CALENDAR

2.49 Approval to declare a portion of City-owned land as surplus to the needs of the City and approving its sale.

Recommendation: Adoption of a resolution declaring a 77,624 square foot portion of City-owned land, located on the former Baroni Avenue, between Capitol Expressway and Vista Park Drive, surplus to the needs of the City, and approving an agreement for its sale to Pinn Brothers for \$1,629,300. CEQA: Negative Declaration, PDC01-028. Council District 10. (Public Works)

Resolution No. 71102 adopted.

2.50 Approval of an agreement for median island landscaping along Santa Teresa Boulevard.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Oakridge Mall LP, by Oakridge Mall, Inc., its general partner, for median island landscaping along Santa Teresa Boulevard, between Coleman Road and Cahalan Avenue, in connection with their development project at Oakridge Mall, that provides for City reimbursement in an amount not to exceed \$645,000.

CEQA: Resolution No. 92060. Council District 10. (Public Works)

Resolution No. 71103 adopted.

2.51 Approval to award a contract for the Street Rehabilitation Project (FY 2001-2002, Measure A/B Funded).

Recommendation: Report on bids and award of contract for the 2001-02 Street Rehabilitation Measure A/B Funded Project to the low bidder, Granite Rock Company d.b.a. Pavex Construction Division, in an amount of \$2,344,437, and approval of a contingency in an amount of \$235,000. CEQA: Exempt, PP02-05-124. Council District: 6. (Public Works)

Approved.

2.52 Approval to award a contract for two Traffic Signal Projects (Units O1C and O1D).

Recommendation:

- (a) Report on bids and award of contract for the Traffic Signal Unit 01C Project to the low bidder, Prism Engineering, Inc., in an amount of \$903,023, and approval of a contingency in an amount of \$135,400, including improvements at Auzerais Avenue and Bird Avenue, Curtner Avenue and New Jersey Avenue, Goodyear Street and Vine Street, and Martha Street and Third Street. CEQA: Exempt, PP01-11-193. Council Districts 3, 6, and 9. SNI Area: Burbank/Del Monte Washington Spartan/Keyes. (Public Works)

Approved.

2 CONSENT CALENDAR

2.52 Approval to award a contract for two Traffic Signal Projects (Units 01C and 01D).

Recommendation:

- (b) Report on bids and award of contract for the Traffic Signal Unit 01D Project to the low bidder, Brown & Fesler, Inc., in the amount of \$457,334, and approval of a contingency in the amount of \$68,600, includes improvements at Magliocco Drive and Winchester Boulevard and McLaughlin Avenue and Sylvia Street. CEQA: Exempt, PP01-11-193, PP99-07-156. Council Districts 1, 6, and 7. SNI: Winchester. (Public Works)

Approved.

2.53 Approval to award a contract for the Story Road Median Island Landscaping Project.

Recommendation: Report on bids and award of contract for the Story Road Median Island Landscaping (Highway 101 - Roberts Avenue) to the low bidder, Lone Star Landscape, Inc., in an amount of \$935,000, and approval of a contingency in an amount of \$46,750. CEQA: Exempt, PP02-04-085. Council District: 7. SNI Area: Rock Spring/Tully/Senter/Santee/Kennedy. (Public Works)

Approved.

2.54 Approval to award a contract for the Brigadoon Park Tot Lot and Backesto Park Play Area and Restroom Renovation Project.

Recommendation: Report on bids and award of contract for the Brigadoon Park Tot Lot and Backesto Park Play Area and Restroom Renovation Project to the lowest responsive bidder, JFC Construction, in an amount of \$547,814, and approval of a contingency in an amount of \$28,000. CEQA: Exempt, PP02-05-120 and PP02-05-121. Council Districts 8 and 3. SNI Area: Backesto Park-13th Street Community. (Public Works)

Approved.

2.55 Approval of an agreement for the Alum Rock Branch Library Project.

Recommendation: Approval of an agreement with Franco Associates Architects for consultant services including project design, preparation of construction documents, and construction administration services for the new Alum Rock Branch Library Project, for the period July 1, 2002 to December 31, 2005, in the amount of \$975,000. CEQA: Exempt, PP02-06-147. Council District 5. SNI Area: East Valley/680 Communities. (Public Works)

Approved.

2 CONSENT CALENDAR

2.56 Approval of an agreement for the Rosegarden Branch Library Project.

Recommendation: Approval of an agreement with Banducci Associates Architects, Inc. for consultant services including project design, preparation of construction documents, and construction administration services for the new Rosegarden Branch Library Project, from the date of execution to December 31, 2005, in the amount of \$955,000. CEQA: Exempt, PP02-06-151. Council District: 6. (Public Works)

Approved.

2.57 Approval of an agreement for construction of street improvements along Winfield Boulevard.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Glenrock Builders, Inc. for construction of street improvements along the east side of Winfield Boulevard between Almaden Lake Drive and Alamos Creek, that provides for City reimbursement in an amount not to exceed \$500,000. Council District 10. CEQA: Exempt, PP02-01-007. (Public Works)

Resolution No. 71104 adopted.

2.58 Approval of an agreement for telecommunication repeaters on City-owned light poles.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a non-exclusive use agreement with Ricochet Networks, Inc., a Delaware Corporation, transferring ownership of certain telecom repeaters existing on City light poles from City to Ricochet Networks and permitting Ricochet to activate these repeaters and place new repeaters on City-owned light poles for a period of five years, with one five year option, for which City will be compensated with: (1) 480 subscriptions and Ricochet Modems in the first year, increasing by four percent for each year of the contract and option; and (2) two percent of adjusted gross revenues from subscriptions within the City of San Jose. CEQA: Exempt, PP02-06-166.

(Public Works/Information Technology)

Resolution No. 71105 adopted.

2.59 Approval to award a contract for the In-Place Recycling with Paver-Placed Surface Seal Project (FY 2001-2002).

Recommendation: Report of bids and award of contract for the FY 2001-2002 In-Place Recycling with Paver-Placed Surface Seal Project on Monterey Road to the low bidder, O'Grady Paving, Inc., in an amount of \$245,230, and approval of a contingency in an amount of \$24,000. CEQA: Exempt, PP02-06-138. Council District 2. (Transportation)

Approved.

2 CONSENT CALENDAR

2.60 Approval of a grant agreement to coordinate and implement the Downtown Area Shuttle Program.

Recommendation: Approval of a grant agreement with the San José Downtown Association (SJDA) to coordinate and implement the Downtown Area Shuttle (DASH) program, to be provided by the Santa Clara Valley Transportation Authority, for the period July 1, 2002 through June 30, 2005, in an amount not to exceed \$600,000. CEQA: Not a project. Council District 3. (Transportation)

Approved.

2.61 Approval to award a contract for the Wheelchair Ramp Project (A, FY 2001-2002).

Recommendation: Report on bids and award of contract for the FY 2001-2002 Wheelchair Ramp Project A to install curb cuts and ramps at 320 locations to the low bidder, Vanguard Construction, in the amount of \$359,730, and approval of a contract contingency in the amount of \$17,986. CEQA: Exempt, PP02-03-059. Council Districts 1, 3, 4, 6, and 8. (Transportation)

Approved.

2.62 Approval of a commercial air cargo operating agreement for the Airport.

Recommendation: Approval of a first amendment to the commercial air cargo operating agreement with United Parcel Service, Inc. extending the term of the agreement from August 1, 2002 through July 31, 2007, with an estimated annual revenue to the City of \$342,055. CEQA: Resolution No. 67380. (Airport)
(Deferred from 6/18/02 – Item 2.5)

This Item was deferred to August 6, 2002.

2.63 Approval to amend an agreement for consultant services regarding the potential expansion of the Convention Center.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with Strategic Advisory Group LLP for consulting services to update the financial feasibility analysis of a potential Convention Center expansion, in an amount not to exceed \$150,000, for a total cost not to exceed \$460,000, and to extend the agreement term to December 31, 2002. CEQA: Exempt, PP02-06-161.

(City Manager's Office)

(Rules Committee referral 6/19/02)

Resolution No. 71106 adopted.

Direction to staff to (1) include an expanded conversation with traditional users, and (2) return to Council with a work plan as it relates to the outreach through the SNI community that is contiguous to this project.

2 CONSENT CALENDAR

2.64 Approval of a grant agreement with Community Foundation Silicon Valley.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Community Foundation Silicon Valley to support the planning efforts of the San Jose Symphony, in an amount not to exceed \$200,000. (Conventions, Arts and Entertainment)
(Rules Committee referral 6/19/02)

Resolution No. 71107 adopted.

2.65 Approval to amend an agreement for the development of the Airport's Advanced Traffic Management System (ATMS).

Recommendation: Approval of a second amendment to the agreement with DKS Associates for consultant services for the development of the Norman Y. Mineta San José International Airport - Advanced Traffic Management System (ATMS), increasing compensation by \$195,000, from \$689,000 to a total of \$884,000, and extending the term of agreement from March 31, 2003 to June 30, 2005. CEQA: Exempt, PP00-02-026. (Transportation)
(Rules Committee referral 6/19/02)

Approved.

2.66 Approval of an urgency ordinance related to Cable Television Franchise.

Recommendation: Adoption of an urgency ordinance to allow an extension of the terms of the current Cable Television Franchise, originally granted to Gill Industries, Inc., from June 30, 2002 to June 30, 2003. (City Manager's Office)
(Rules Committee referral 6/19/02)

Ordinance No. 26696 adopted.

2.67 Approval of various actions related to FY 2002-2003 Capital Budget Appropriations.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments to the Services for Redevelopment Capital Projects Fund for Convention Center Capital Improvement Projects; the Building and Structure Construction Tax Fund for the Wooster Avenue: Silver Creek Bridge Project; and the Civic Center Parking Fund and Civic Center Construction Fund for the On-Site Parking Garage for FY 2002-2003. Council District 3. SNI Area: 13th Street, Five Wounds/Brookwood Terrace. (City Manager's Office)
(Rules Committee referral 6/19/02)

Ordinance No. 26697 adopted.

Resolution No. 71108 adopted.

2 CONSENT CALENDAR

2.68 Approval of Mayor Gonzales' travel.

Recommendation:

- (a) Approval of Mayor Ron Gonzales' travel to Madison, Wisconsin, June 14-17, 2002, to attend the United States Conference of Mayors, 70th Annual Meeting. Funding: Mayor's Office.

Approved.

- (b) Adoption of a resolution approving Mayor Ron Gonzales' travel to United Kingdom and Dublin, Ireland, June 30 through July 11, 2002, on behalf of the Sister City Program. Funding: Officeholder Account.

(Mayor)

(Rules Committee referral 6/19/02)

Resolution No. 71109 adopted.

2.69 Approval of Council Member Yeager's travel.

Recommendation: Approval of Council Member Ken Yeager's travel to Dublin, Ireland, July 8-11, 2002, as part of the Official Sister City Delegation. Funding: Personal. (Yeager)

(Rules Committee referral 6/19/02)

Approved.

2.70 Approval of Project Labor Agreements for Airport and City Hall projects.

Recommendation:

- (a) Adoption of a resolution approving a Project Labor Agreement for Airport Master Plan projects, including the Central Terminal, public and employee parking garages, and other major Master Plan projects as agreed.

Resolution No. 71110 adopted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Project Labor Agreement for City Hall Project construction contracts on terms and conditions consistent with the Project Labor Agreement approved for Airport projects.

(City Attorney's Office/Public Works)

(Rules Committee referral 6/19/02)

Resolution No. 71111 adopted.

2.71 Approval of employment agreements.

Recommendation: Approval of employment agreements with John Salois and Brian Bennert, for the period July 1, 2001 through December 31, 2002. (Diquisto)

(Rules Committee referral 6/19/02)

Approved.

2 CONSENT CALENDAR

2.72 Approval to submit a grant application to the Department of Health and Human Services.

Recommendation: Adoption of a Resolution authorizing the City Manager to submit an application for a grant from the Department of Health and Human Services in an amount not-to-exceed \$1,000,000 and to accept the grant if awarded. (Parks, Recreation and Neighborhood Services)
(Orders of the Day)

Resolution No. 71112 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee - Meeting of June 12, 2002

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting

(b) City Council

(1) Review June 25, 2002 Draft Agenda
The Committee recommended approval of the June 25, 2002 City Council agenda with one addition.

(2) Add New Items to June 18, 2002 Amended Agenda
The Committee recommended four additions to the June 18, 2002 City Council agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended approval to add two items to the June 26, 2002 Finance and Infrastructure Committee agenda: Item b, "Additional City Auditor Revenue Enhancement Activities (Auditor); and Item d, "An Audit of the City of San Jose's Customer Service Call Center (Auditor)."

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 12, 2002 Vice Mayor Shirakawa, Jr., Chair (Cont'd)

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
Three was no Public Record filed.
- (f) Boards, Commissions and Committees
There were none.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Request to modify the Municipal Code regarding tree removal noticing
The Committee directed the Administration to return to Rules Committee in August with a workload assessment to implement Council Member LeZotte's request to modify the Municipal Code in regard to posting notice of tree removal.
- (h) Administrative Reviews and Approval
 - (1) Workload assessment to change Project Diversity commission term limits
The Committee approved City Clerk Patricia O'Hearn's report that made the following recommendations for boards and commissions under Project Diversity:
 - a. That the length of terms for boards and commissions is reduced from four years to three years;
 - b. The commissioners are eligible to serve two, three-year terms;
 - c. That appointment to an unexpired term of *two years or more* is considered a full term;
 - d. That a commissioner appointed to an unexpired term of *less than two years* is allowed to apply subsequently for two, three-year terms on that commission;
 - e. That commissions maintain established term endings of either June 30th or December 31st; and
 - f. That the conversion to three-year terms will go into effect January 1, 2003.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 12, 2002 Vice Mayor Shirakawa, Jr., Chair (Cont'd)

- (h) Administrative Reviews and Approval
 - (2) 2002 Mid-year Federal Legislative Report
The Committee accepted the San Jose's Washington, D.C. lobbyist's mid-year report on the status of federal legislation and the City's appropriation requests.
- (i) Oral communications
None were presented.
- (j) Adjournment
The meeting adjourned at 2:30 P.M.

The Rules Committee Report and actions of June 12, 2002 were accepted with the direction to staff to change Item (c) to read an unexpired term of 18 months or more and Item (d) to read an unexpired term of less than 18 months.

3.2 Report of the Rules Committee - Meeting of June 19, 2002 Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting
- (b) City Council
 - (1) Review July 2, 2002 Draft Agenda
This Item was dropped.
 - (2) Add New Items to June 25, 2002 Amended Agenda
The Committee recommended eighteen additions to the June 25, 2002 City Council agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended approval to add an item to the June 26, 2002 Finance and Infrastructure Committee agenda: Item b, "Finance Department Revenue Collection Efforts (Finance)."

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 19, 2002 Vice Mayor Shirakawa, Jr., Chair (Cont'd)

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
 - (2) Approve Council Committee Work plans for the period August – December 2002
The Committee recommended approval of work plans for the period August-December 2002 for the following Committees: Rules, Finance & Infrastructure; Economic Development & Environment; Education, Neighborhood, Youth and Seniors.
- (d) Meeting Schedules
The Committee recommended cancellation of the following meetings: the June 26, 2002 Rules Committee meeting and the August 6, 2002 evening session of City Council.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Boards, Commissions and Committees
There were none.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee Meeting of June 19, 2002

Vice Mayor Shirakawa, Jr., Chair (Cont'd)

(h) Administrative Reviews and Approval

(1) Workload assessment to obtain rental dispute data

The Committee accepted the Housing Director's workload assessment which informed the Committee that the information requested by Council Member Dando will be collected in compliance with recent changes to the Rental Mediation and Arbitration Ordinance.

(2) Approve requests from Council Member Pat Dando to use Council General funds:

(a) To attend National League of Cities' transportation meetings in Medford, Oregon, June 12-15, 2002

(b) To attend National League of Cities Homeland Security Task Force meeting in New York, July 24-28, 2002

The Committee approved Council Member Dando's request to use Council General funds to attend the National League of Cities' meeting in Medford, Oregon, June 12-15, 2002, and New York, July 24-28, 2002.

(3) Request to remove a compliance audit of the Deferred Compensation Plan from the City Auditor's 2001-02 Workplan

The Committee approved the removal of a compliance audit of the Deferred Compensation Plan from the City Auditor's 2001-02 work plan.

(4) Approve City Auditor's 2002-2003 Audit Workplan.

The Committee recommended approval of the City Auditor's 2002-03 Audit Workplan.

(i) Oral communications
None were presented.

(j) Adjournment
The meeting adjourned at 2:15 P.M.

The Rules Committee Report and actions of June 19, 2002 were accepted.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – June 12, 2002

Council Member Dando, Chair

- (a) Consent Items
 - (1) Monthly Investment Report for April 2002
The Committee approved the Consent Items.
- (b) Monthly Financial Report for April 2002
The Committee accepted the staff report.
- (c) Sales and Business Tax Report for Quarter Ending March 31, 2002
This Item was approved as part of the Consent Items above.
- (d) An Audit of the San José Police Department's Method of Projecting Sworn Officer Retirements and Other Separations
The Committee accepted the staff report.
- (e) Major Information Technology Projects Update
The Committee accepted the staff report.
- (f) San José Permits On-line (IDTS) System Demonstration
The Committee accepted the demonstration.
- (g) Oral petitions
None.
- (h) Adjournment
The Committee was adjourned at 3:55 P.M.

The Finance and Infrastructure Committee Report and actions of June 12, 2002 were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – June 3, 2002

Council Member Williams, Chair

- (a) Further Discussion of Group Home Ordinance and Reasonable Accommodation
This Item to be reported out in August 2002.
- (b) San José Permits On-Line (IDTS) System Demonstration
- (c) Street Tree Pruning and Replacement Process
- (d) Monthly Status Report on Housing Production Team Action Items
- (e) Monthly Report on Affordable Housing Production
- (f) Five Year Homeless Plan

This Item is continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – June 3, 2002 Council Member Williams, Chair (Cont'd)

- (g) Status Report on Implementation Efforts of Green Building Policies
- (h) Third Quarter Redevelopment Housing Report
- (i) Oral petitions
- (j) Adjournment

(Deferred from 6/18/02 – Item 4.1)

This Item was deferred to August 6, 2002.

4.2 Approval of various actions related to Almaden Family Apartments Development.

Recommendation: Approval of the following actions for the financing of the 225-unit Almaden Family Apartments, a new construction development affordable to extremely low- and low-income households, located at 1525-1541 Almaden Road:

- (a) Hold a Tax Equity and Fiscal Responsibility Act of 1986 (“TEFRA”) Hearing for the issuance of tax-exempt multifamily housing revenue bonds.
- (b) Adoption of a resolution that:
 - (1) Expresses the City’s intent to issue up to \$35,000,000 in multi-family tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development.
 - (2) Authorizes the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$35,000,000 in private activity bonds.
 - (3) Authorizes the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Almaden Family Partners, L.P., or its affiliate for the CDLAC application for the Development.
 - (4) Approves a funding commitment for a permanent loan for up to \$8,950,000, and a conditional grant of up to \$5,290,000, to Almaden Family Partners, L.P., or its affiliate, for the Development.
 - (5) Finds that the use of 20% Housing funds for the project is of benefit to the Redevelopment Project Areas in San José.

CEQA: Negative Declaration, PDC98-089. (Housing/Finance)

This Item was dropped.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various actions related to Tierra Encantada Family Housing Development.

Recommendation: Adoption of a resolution approving business terms for a conditional grant of up to \$1,000,000, and an acquisition/predevelopment loan of up to \$4,000,000 to Community Housing Developers, or its designated affiliate, for the proposed development of the 93-unit Tierra Encantada family housing project affordable to low-, very low-, and extremely low-income households on a 1.98-acre portion of a 2.49-acre site located at the southeast corner of Alum Rock and McCreery Avenues. CEQA: ND PDC 02-029. Council District 5. SNI: Mayfair. (Housing)

Resolution No. 71113 adopted.

4.4 Approval of various actions related to San Carlos Senior Rental Housing Development.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for an acquisition/predevelopment loan of up to \$4,113,600, and a conditional grant of up to \$4,775,000, to CORE Development, Inc. and ROEM Development Corporation, or their designated affiliate for the development of the 100-unit San Carlos Senior rental housing project affordable to extremely low-income households and 30 units of for-sale townhomes on a 3.25-acre site located at 1523 West San Carlos Street.
- (b) Approving a fund reservation for an additional conditional grant amount of \$4,830,000, to provide construction and permanent financing for the Development.

CEQA: Resolution No. 68839. Council District 6. SNI: Burbank/Del Monte. (Housing)

Resolution No. 71114 adopted.

4.5 Approval of various actions related to the Monte Vista Gardens Senior Housing Apartments Development (Phase II).

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds (the "Bonds") in a principal amount not to exceed \$3,865,000.
- (b) Approving a loan of the Bond proceeds to Monte Vista Gardens Senior Housing II, L.P., a California limited partnership created by ROEM Monte Vista Gardens Senior Housing II, LLC and Foundation for Affordable Housing II, Inc., for financing the construction and development of the Monte Vista Gardens Senior Housing Apartments Project, Phase II, located at the west side of South Capital Avenue and north of Lombard.

This Item is continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of various actions related to the Monte Vista Gardens Senior Housing Apartments Development (Phase II). (Cont'd)

Recommendation: Adoption of a resolution:

- (c) Approving in substantially final form the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Private Placement Memorandum and Bond Placement Agreement; authorizing the Director of Finance and the Director of Housing, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
- (d) Approving a permanent loan of up to \$2,613,604 to ROEM Development Corporation, a construction loan of up to \$1,901,741, and a permanent loan of up to \$1,684,825, to Monte Vista Gardens Senior Housing II, L.P., or its designated affiliate, for a total City commitment of \$4,515,345 during the Construction Phase, and \$4,298,429 during the Permanent Phase, as outlined in Table A of the staff report.

CEQA: Negative Declaration, PDC99-087. Council District 5. SNI: East Valley/680 Communities. (Housing/Finance)

Resolution No. 71115 adopted.

4.6 Approval of various actions related to the Bel Aire Apartments Development.

Recommendation: Approval of the following actions regarding financing for the acquisition, rehabilitation, and permanent financing of the 152-unit Bel Aire Apartments development, in which 90% of the units will be affordable to low- and very low-income households, on a 3.94-acre site located at 3201 Loma Verde Drive:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$15,000,000 in tax-exempt multifamily housing revenue bonds for the Development.

TEFRA hearing was held.

No public testimony was heard.

- (b) Adoption of resolutions:
 - (1) Approving a funding commitment of up to \$2,797,000 for an acquisition, rehabilitation, and permanent loan to Pacific American Properties, Inc., or an affiliated entity, for the Development.
 - (2) Expressing its intent to issue up to \$15,000,000 in multifamily tax-exempt revenue bonds to finance the Development.
 - (3) Authorizing the Director of Housing to file an application with California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$15,000,000 in private activity bonds for the Development.

This Item is continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to the Bel Aire Apartments Development. (Cont'd)

Recommendation: Approval of the following actions regarding financing for the acquisition, rehabilitation, and permanent financing of the 152-unit Bel Aire Apartments development, in which 90% of the units will be affordable to low- and very low-income households, on a 3.94-acre site located at 3201 Loma Verde Drive:

- (b) Adoption of resolutions:
 - (4) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Pacific American Properties, Inc., or an affiliated entity, for the CDLAC application for the project.
 - (5) Finding that the use of 20% Housing funds for the Development is of benefit to the Redevelopment Project Areas in San José.

CEQA: Exempt, PP02-06-167. Council District 1. SNI: Winchester.
(Housing/Finance)

Resolution Nos. 71116-71117 adopted.

4.7 Approval of various actions related to the Summerwind Family Apartments Development.

Recommendation: Approval of the following actions regarding the financing of the 160-unit Summerwind Family Apartments, a new construction development affordable to extremely low-, very low-, and low-income households, located at 202 Lewis Road:

- (a) Hold a Tax Equity and Fiscal Responsibility Act of 1986 ("TEFRA") Hearing for the issuance of up to \$20,000,000 in tax-exempt multifamily housing revenue bonds for the Development.

TEFRA hearing was held.

No public testimony was heard.

- (b) Adoption of a resolution:
 - (1) Expressing the City's intent to issue up to \$20,000,000 in multifamily tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development.
 - (2) Authorizing the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$20,000,000 in private activity bonds.
 - (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with ROEM Development Corporation, or its affiliate, for the CDLAC application for the Development.

Resolution No. 71118 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of various actions related to the Summerwind Family Apartments Development. (Cont'd)

Recommendation: Approval of the following actions regarding the financing of the 160-unit Summerwind Family Apartments, a new construction development affordable to extremely low-, very low-, and low-income households, located at 202 Lewis Road:

- (b) Adoption of a resolution:
 - (4) Approving business terms for an acquisition and predevelopment loan of up to \$9,500,000 to ROEM Development Corporation, or its affiliate, for the Development.
 - (5) Finding that the use of 20% Housing funds for the Development is of benefit to the Redevelopment Project Areas in San José.

CEQA: Negative Declaration, PDC02-018. Council District 7. (Housing/Finance)

Resolution No. 71119 adopted.

4.8 Public Hearing and approval of various actions related to the Park Impact Ordinance and Parkland Dedication Ordinances.

Recommendation: PUBLIC HEARING and adoption of a resolution to:

- (a) Approve Single Residential Occupancy (SRO) Units as a housing type for purposes of calculating the parkland dedication requirement under Park Impact Ordinance and Parkland Dedication Ordinance, Chapter 14.25 or 19.38 of the San José Municipal Code;
- (b) Approve a change to private recreation improvement credits for non-active elements, swimming pools, spas, and recreation buildings to be credited against land dedicated to the City for public park purposes, up to the fifty percent (50%) cap set forth in Chapter 14.25 or 19.38 of the San José Municipal Code;
- (c) Approve an in-lieu fee schedule and credits associated with the Park Impact and Parkland Dedication Ordinances in Chapter 14.25 or 19.38 of the San José Municipal Code for projects in process based on one-hundred percent (100%) of the land values indicated in the 1997 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc; and
- (d) Approve the first year of a two-year phase-in adjustment to the in-lieu fee schedule and credits associated with the Park Impact and Parkland Dedication Ordinances in Chapter 14.25 or 19.38 of the San José Municipal Code, where the first year will reflect seventy percent (70%) of the land values indicated in the 2001 Residential Land Value Study prepared by Diaz, Diaz & Boyd, Inc.

CEQA: Exempt, PP02-05-131.
(Parks, Recreation and Neighborhood Services)

Resolution No. 71120 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.9 Public Hearing on the vacation of a portion of land located on Kentucky Place.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of a 2,643 square foot portion of Kentucky Place. CEQA: Negative Declaration, PD 00-12-129. Council District 5. SNI: Mayfair. (Public Works)

Resolution No. 71121 adopted.

4.10 Approval of various actions for the Civic Center.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Gordon H Chong & Partners for architectural services for the Civic Center Parking Facility Project, extending the term of the agreement from December 31, 2001 to June 30, 2005, and increasing compensation by \$1,410,000, from \$310,000 to a total agreement amount not to exceed \$1,720,000. CEQA: Resolution No. 68905. Council District 3. SNI: University. (Public Works)

Resolution No. 71122 adopted.

- (b) Adoption of a resolution authorizing the City Manager to award the contract for the San Jose Civic Center Shoring and Mass Excavation Project to the low bidder, RGW Construction, Inc., in an amount of \$5,696,110, and approval of a contingency in an amount of \$300,000. Council District 3. SNI Area: University. CEQA: Resolution No. 68905, PP98-03-072. (Public Works)
(Deferred from 6/18/02, Item 4.4)

This Item was renumbered from 4.12.

Resolution No. 71123 adopted.

4.11 Approval of various actions related to the Rincon Storm System Improvements Project (Phase II).

Recommendation:

- (a) Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the base bid for the Rincon Storm System Improvements Phase II Project to the lowest responsive bidder, Anderson Pacific Engineering Construction, Inc., in an amount of \$20,646,296, and approval of a contingency in an amount of \$1,733,000.
- (b) Adoption of the following amendments to the 2001-2002 Appropriation Ordinance and Funding Sources Resolution in the Services for Redevelopment Capital Projects Fund.
- (1) Increase the appropriation to the Department of Public Works for the North San Jose Rincon Storm System Improvements -- Phase II Project by \$23,138,000.

This Item is continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.11 Approval of various actions related to the Rincon Storm System Improvements Project (Phase II). (Cont'd)

Recommendation:

- (b) Adoption of the following amendments to the 2001-2002 Appropriation Ordinance and Funding Sources Resolution in the Services for Redevelopment Capital Projects Fund. (Cont'd)
 - (2) Increase the estimate for Earned Revenue by \$23,138,000.
- (c) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements in connection with the North San Jose Rincon Storm System Improvements - Phase II Project, as more specifically described in the memorandum from the Redevelopment Agency, dated June 6, 2002, attached hereto.

CEQA: EIR, PP00-10-149. Council District: 4. (Public Works/City Manager's Office)
This Item was deferred to August 6, 2002.

4.12 Approval to award the Civic Center Shoring and Mass Excavation Project.

Recommendation: Adoption of a resolution authorizing the City Manager to award the San José Civic Center Shoring and Mass Excavation Project to the lowest responsive bidder, and approval of a ten percent contingency. CEQA: Resolution No. 68905. Council District 3. SNI: University. (Public Works)
(Deferred from 6/18/02 – Item 4.4)

This Item was dropped and action to be taken as Item 4.10(b).

4.13 Approval of actions related to the Roberts Avenue Family Apartments Development.

Recommendation: Adoption of a resolution regarding the financing of the 100-unit Roberts Avenue Family Apartments, a new construction development affordable to very low- and low-income households, located at the northwest corner of Lucretia Avenue and Vintage Way (“Development”) to:

- (a) Express the City’s intent to issue up to \$14,000,000 in multifamily tax-exempt revenue bonds to finance the acquisition, construction, and permanent financing of the Development;

Resolution No. 71124 adopted.

- (b) Authorize the Director of Housing to file an application with the California Debt Limit Allocation Committee (CDLAC) for an allocation of up to \$14,000,000 in private activity bonds;

Resolution No. 71125 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.13 Approval of actions related to the Roberts Avenue Family Apartments Development. (Cont'd)

Recommendation: Adoption of a resolution regarding the financing of the 100-unit Roberts Avenue Family Apartments, a new construction development affordable to very low- and low-income households, located at the northwest corner of Lucretia Avenue and Vintage Way ("Development") to:

- (c) Authorize the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Community Home Builders & Associates (CHBA), or its affiliate, for the CDLAC application for the Development; and,
- (d) Approve business terms for a construction loan of up to \$7,548,482, and a permanent loan of up to \$5,800,000 to CHBA, or its affiliate, for the Development.

Council District 7. SNI: Tully/Senter. CEQA: Negative Declaration, PDC-SH-00-10-103. (Housing)
(Rules Committee referral 6/19/02)

Approved.

4.14 Approval to purchase land from Novell, Inc. and to appropriate funds.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Novell, Inc. a Delaware Corporation for the purchase of a parcel of land on Orchard Parkway (formerly O'Nel Drive) at Charcot Avenue (formerly Guadalupe Parkway) in the amount of \$30,000,000, and authorizing the City Manager to execute the necessary documents to complete the transaction.
- (b) Adoption of the following appropriation ordinance amendments in the General Fund:
 - (1) Establish an appropriation in City-Wide to the Office of the City Manager in the amount of \$300,000 for Novell Property Deposit.
 - (2) Reduce General fund Contingency Reserve by \$300,000.
- (c) Direction to City staff to proceed with the development of the bond financing documents for the issuance of lease revenue bonds to finance the acquisition of the Property.
- (d) Adoption of a resolution of the City of San José Financing Authority stating its intent to issue tax-exempt debt to finance the acquisition of a parcel of land on Orchard Parkway at Charcot Avenue to the extent that the issuance of tax-exempt debt is feasible.

CEQA: Exempt, PP02-06-148. (City Manager's Office)
(Rules Committee referral 6/19/02)

Item 4.14 (a-d) dropped. See Item 4 on the San José Financing Authority.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002

Council Member Chavez, Chair

(a) Youth Commission

The Committee accepted the staff report with the following directive to staff:

- **A budget report, along with strategies for raising monies for the “BAY Under a Groove” event is sent to Council Members as soon as possible.**

(b) Skate Park Update

The Committee accepted the staff report with the following directives to staff:

- **The cost comparative study and the City’s projected costs are sent to the ENYS Committee prior to the August ENYS Committee meeting.**
- **Include in the monthly Skate Park report a matrix tracking the progress of the skate parks approved by Council offices.**
- **The August report include a process to pre-qualify skate park designers to establish a pool of approximately ten (10).**

(c) Update Report from the Airport Ombudsman and Noise Monitoring Center

The Committee accepted the staff report with the following directives to staff:

- **The August ENYS Committee Report include more detailed information on what airlines are cooperating and which are not in providing steps to prevent future curfew violations.**
- **Research changing published flight times to actual curfew times for the airport, i.e., 6:20 a.m. departure to 6:30 a.m.**
- **The August ENYS Committee Report include a list of which air cargo companies have signed the curfew agreement and which have not. Also, strategies to encourage them to do so.**

(d) Aging Services Master Plan

The Committee accepted the staff report with the following directives to staff:

- **A work plan for the Seniors Master Plan come back to the Committee, along with the scope of service.**
- **A brief report of bench marks used to determine what makes a center “intergenerational”.**
- **RFQ for consulting services be brought to the Committee prior to it being finalized.**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002 (Cont'd) **Council Member Chavez, Chair**

- (e) Status Report on Citywide Trail Projects
The Committee accepted the staff report with the following directives to staff:
- **Prepare a grid/chart showing: here is the money awarded; here is what it was awarded for; here is the length the money is alive; here are what the requirements for the money are, including the years they can be drawn down on. Chart should be included in report to the ENYS Committee in August.**
 - **Bring a draft of the assessment on rangers requested in the June Budget Message to the ENYS Committee in October, prior to going to full Council.**
- (f) Status Report on Pick-Up San José
The Committee accepted the staff report with the following directives to staff:
- **Return to the October ENYS meeting with:**
 - ✓ **An infrastructure for the volunteer program, i.e., call in program or type of communication strategy.**
 - ✓ **Strategies on ways to encourage haulers to cover their trucks in route to landfills.**
 - ✓ **Return to the October ENYS meeting with a strategy on how to coordinate Adopt-a-Park, Adopt-a-Street, Anti-Graffiti and Anti-Litter programs**
 - **Removal of airport weeds.**
 - **Litter Tool kits to include material for broken glass removal.**
 - **Billboard advertisement is free or preferably not used.**
- (g) Status Report on Anti-Graffiti Efforts Regarding Garbage and Recycling Containers
The Committee accepted the staff report with the following directives to staff:
- **Return to the September ENYS Committee with a report on the trials using solvents/paints for graffiti removal.**
 - **Staff to work with the Attorney's office on steps to change the language in the franchise haulers' contracts to include, "the haulers are ultimately responsible for graffiti removal on bins and multi-family carts".**

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – June 17, 2002 (Cont'd) Council Member Chavez, Chair

- (h) Oral petitions
None.
- (i) Adjournment
The meeting adjourned at 3:35 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee report and actions were accepted.

5.2 Approval of various actions related to FY 2002-2003 arts and cultural programs, projects, grants, and activities.

Recommendation:

- (a) Approval of Arts Commission recommendation, subject to approval of the FY 2002-2003 Operating Budget, to allocate funds to the Office of Cultural Affairs for FY 2002-2003 arts and cultural programs, projects, grants, and activities as detailed in Attachment A of the staff report, in a total amount not to exceed \$5,072,538;
Approved.
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute FY 2002-2003 grant agreements as follows:
 - (1) Festival, Parade and Celebration Grant Agreements with 35 organizations for 42 events as detailed in Attachment B of the staff report, in a total amount not to exceed \$462,796; and,
 - (2) Arts Grant Agreements with 53 organizations as detailed in Attachment C of the staff report, in a total amount not to exceed \$3,192,405.

CEQA: Not a project. (Conventions, Arts and Entertainment)

Resolution No. 71126 adopted.

5.3 Approval to negotiate and execute two agreements for animal control and shelter services.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the City of Milpitas to provide the City of Milpitas with animal control services from the City of San José Animal Care and Services Division of the Parks, Recreation and Neighborhood Services Department, in the amount of \$338,174.

Resolution No. 71127 adopted.

5 RECREATION & CULTURAL SERVICES

5.3 Approval to negotiate and execute two agreements for animal control and shelter services. (Cont'd)

Recommendation:

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society of Santa Clara Valley and the City of San José for the Humane Society to provide the City specific animal shelter services for the period July 2, 2002 through December 31, 2003, at a cost not to exceed \$3,255,875.

CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Resolution No. 71128 adopted.

5.4 Approval of various agreements for the Department of Parks, Recreation and Neighborhood Services for FY 2002-2003.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to negotiate and execute agreements for the Department of Parks, Recreation and Neighborhood Services programs consistent with and subject to approval of the amounts budgeted for these programs in the adopted budget for FY 2002-2003, as outlined in the attachment of the staff report;
- (b) To accept grant funds from the County of Santa Clara for provision of mental health services and senior nutrition programs, in the amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager; and,
- (c) Authorizing the City Manager to enter into a three-month extension agreement into FY 2003-2004, and to accept grant funds for that period in amounts consistent with budgeted amounts, until a new agreement for 2003-2004 is finalized with the County of Santa Clara.

CEQA: Not a project. (Parks, Recreation and Neighborhood Services)

Resolution No. 71129 adopted.

5.5 Approval of various actions related to the San José McEnery Convention Center Sound Reinforcement System Project.

Recommendation: :

- (a) Report on bids and adoption of a resolution authorizing the City Manager to award the contract for the San José McEnery Convention Center Sound Reinforcement System Project to the low bidder, Audio Associates, for the base bid and Add Alternates Nos. 1 through 9 in the amount of \$1,207,423, and approval of a contingency in the amount of \$121,000. CEQA: Exempt, PP01-08-159. (Public Works)

Resolution No. 71130 adopted.

5 RECREATION & CULTURAL SERVICES

5.5 Approval of various actions related to the San José McEnery Convention Center Sound Reinforcement System Project. (Cont’)

Recommendation: :

- (b) Adoption of amendments to the FY 2002-2003 funding sources resolution and FY 2002-2003 appropriation ordinance to increase the appropriation by \$600,000 in the Services for Redevelopment Capital Projects Fund for the San José McEnery Convention Center Sound Reinforcement System Project.

(Public Works/City Manager's Office)

Item 5.5(b) dropped. See Item 2.67 for Council action to be taken.

5.6 Acceptance of the Bay Trail Master Plan.

Recommendation: Acceptance of the Bay Trail Master Plan. CEQA: Mitigated Negative Declaration, PP01-08-150 and Addendum to Negative Declaration, PP02-05-116. (Parks, Recreation and Neighborhood Services)

(Deferred from 6/18/02 – Item 5.2)

Approved.

Direction to staff contained in Council Member Reed’s memo dated June 25, 2002.

6 TRANSPORTATION SERVICES

6.1 Approval of a report from the San José Taxicab Advisory Team.

Recommendation: Approval of the report from the San José Taxicab Advisory Team (“Team”) and:

- (a) Direction to the City Manager and San José Redevelopment Agency Director to work with the Team to identify the funding needed to support the marketing and customer evaluation components of their recommendations;
- (b) Direction to the Chief of Police to approve the proposed pilot temporarily suspending the issuance of permits to additional taxicab companies not licensed as of July 1, 2002; and,
- (c) Amend the Taxicab Rate, Fares and Tariffs Resolution to increase the current per mile rate of \$2.25 per mile (.25 per 1/9 mile) to \$2.50 (.25 per 1/10), amending the flag drop from \$2.00 (including 1/9 mile) to \$2.00 per 1/10 mile), and maintain the same wait time calculation of \$.20/36 secs (\$20 hour).

(City Manager’s Office/San José Taxicab Advisory Team)

(Deferred from 6/18/02 – Item 6.4)

This Item was deferred to August 6, 2002.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Public Hearing on Commercial Solid Waste and Recyclables Collection Franchise application of Arcadia Demolition Services dba BWS Recycling.

Recommendation: PUBLIC HEARING on Commercial Solid Waste and Recyclables Collection Franchise application of Arcadia Demolition Services dba BWS Recycling, approval of an ordinance granting the franchise, and approval of Commercial Solid Waste and Recyclables Collection Franchise agreement with Arcadia Demolition Services dba BWS Recycling. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

Ordinance No. 26700 passed for publication.

7.2 Acceptance of the Recycle Plus! Program status report.

Recommendation: Acceptance of the status report on the transition of the Recycle Plus! Program. CEQA: Not a project. (Environmental Services)

Approved.

7.3 PUBLIC HEARING on proposed FY 2002-2003 Storm Sewer Service Charges and proposed maximum rate increases for FY 2003-2004 and 2004-05; approval of staff's report on Sanitary Sewer Service and use Charges; and set public hearing for August 6, 2002 for placement of FY 2002-03 Storm and Sanitary Sewer Charges on the tax roll.

Recommendation:

- (a) Acceptance of staff's report proposing no changes in Sanitary Sewer Service and Use Charges; (Environmental Services)

Approved.

Noes: Dando and Reed.

- (b) PUBLIC HEARING on proposed FY 2002-2003 Storm Sewer Service and Use Charges and proposed maximums for rate increase in FY 2003-2004 and 2004-05; (Environmental Services)

Approved.

Noes: Dando and Reed.

- (c) Adoption of a resolution approving FY 2002-2003 rates for Sewer Service and Use Charges and Storm Sewer Service Charges; (City Manager's Office/Environmental Services)

Resolution No. 71131 adopted.

Noes: Dando and Reed.

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.3 PUBLIC HEARING on proposed FY 2002-2003 Storm Sewer Service Charges and proposed maximum rate increases for FY 2003-2004 and 2004-05; approval of staff's report on Sanitary Sewer Service and use Charges; and set public hearing for August 6, 2002 for placement of FY 2002-03 Storm and Sanitary Sewer Charges on the tax roll.**

Recommendation:

- (d) Direction to the Administration to return during FY 2003-2004 and 2004-2005 budget cycles with recommendations for rates in FY 2003-2004 and 2004-2005, consistent with the recommended maximum rates increases for those years; (Environmental Services)

Approved.

Noes: Dando and Reed.

- (e) Adoption of a resolution setting a public hearing on August 6, 2002, at 1:30 p.m. for the Fiscal Year 2002-2003 Annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Reports of the Director of Finance and direction to the City Clerk to publish notice of the time and place of the hearing. (Finance)

CEQA: Not a project.

Resolution No. 71132 adopted.

Noes: Dando and Reed.

- 7.4 Approval of an agreement for Los Esteros Critical Energy Facility, LLC.**

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement for the conveyance of certain easements and a license in Water Pollution Control Plant (WPCP) buffer lands to Los Esteros Critical Energy Facility, LLC, upon approval of the agreement by the City Council of the City of Santa Clara and issuance of a license for the proposed Los Esteros Critical Energy Facility by the California Energy Commission; and
- (b) Execute documents necessary for the conveyance of a non-exclusive ingress/egress easement, public utility easements, a temporary license agreement for an overhead power line, and an open space easement on and across the WPCP property (Assessor Parcel 015-31-063).

CEQA: Resolution No. 70844. Council District 2. (Public Works, Environmental Services)

Resolution No. 71133 adopted.

Noes: LeZotte

7 ENVIRONMENTAL & UTILITY SERVICES

7.5 Approval to amend the 2002 Recycle Plus contracts.

Recommendation: Approval of the first amendment to the agreements with Norcal Waste Systems of San José, Inc. and GreenTeam of San José for Integrated Waste Management Services, and to the agreements with Norcal Waste Systems of San José, Inc. and Green Waste Recovery, Inc. for yard trimmings collection and residential street sweeping services, to provide adjustments due to economic, programmatic, and legislative changes for a net incremental cost increase of \$159,700 per year. CEQA: Exempt, PP02-05-125. (Environmental Services)
(Deferred from 6/11/02 – Item 7.2 and 6/18/02 – Item 7.3)

Approved.

7.6 Approval of actions related to the Monterey-Riverside Supplement Sanitary Sewer Project.

Recommendation:

- (a) Approval of Contract Change Order No. 4 with Elmore Pipe Jacking, Inc., for the Monterey-Riverside Supplement Sanitary Sewer Project in an amount of \$1,850,000, for a total contract amount of \$6,660,766.11, and extending the negotiate and execute contract completion date to February 15, 2003.

Approved.

- (b) Adoption of the following appropriation ordinance amendments:
 - (1) In the Sanitary Sewer Connection Fee Fund, increase the Monterey-Riverside Supplement appropriation in the amount of \$600,000, and decrease the Ending Fund Balance in the amount of \$600,000.
 - (2) In the Sewer Service and Use Charge Capital Improvement Fund, establish the Monterey-Riverside Supplement appropriation in the amount of \$1,250,000, and decrease the Ending Fund Balance in the amount of \$1,250,000.

CEQA: Exempt, PP 00-03-035. (Public Works)
(Rules Committee referral 6/19/02)

Ordinance No. 26698 adopted.

8 AVIATION SERVICES

8.1 Approval to amend an agreement for Airport Bus Service with the VTA.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment to the agreement for Airport Bus Service with the Santa Clara Valley Transportation Authority (VTA), extending the term of the agreement from July 1, 2002 to June 30, 2003, in an amount not to exceed \$1,500,000. CEQA: Resolution No. 67380, PP#02-05-110. (Airport)

Resolution No. 71134 adopted.

8 AVIATION SERVICES

8.2 Approval of various actions related to the Compressed Natural Gas Fueling Station.

Recommendation:

- (a) Report on bids and award of contract for the design and construction of the Compressed Natural Gas (CNG) Fueling Station at Norman Y. Mineta San José International Airport to the Pinnacle CNG Company, in an amount of \$2,677,717, and approval of a contingency of \$267,000. CEQA: Resolution No. 67380, PP 02-04-066.

Approved.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an Operation, Management and Maintenance Agreement for the CNG Fueling Station with the Pinnacle CNG Company for a term not to exceed one year and in an amount not to exceed \$176,887, and authorizing the City Manager to exercise up to four additional one-year options in the amounts bid by Pinnacle, subject to appropriations for each option year.

(Public Works)

Resolution No. 71135 adopted.

8.3 Approval to award a contract for the Airport Boulevard - Terminal Drive Improvements Project.

Recommendation: Report on bids and award of contract for the Norman Y. Mineta San José International Airport: Airport Boulevard - Terminal Drive Improvements Project to the lowest responsive bidder, Granite Construction, Inc., in an amount of \$3,214,945, and approval of a contingency in an amount of \$321,000. CEQA: Resolution No. 67380, PP 02-03-051. (Public Works)

Approved.

8.4 Approval to award a contract for real time traffic information.

Recommendation: Report on bids and award of contract for the Airport Advanced Transportation Management System Project to the low bidder, Manuel Bros., Inc., in the amount of \$1,135,234, and approval of a contingency in an amount of \$113,000. CEQA: Exempt, PP00-02-026. (Public Works)

Approved.

8 AVIATION SERVICES

8.5 Approval of various actions related to the Airport Food and Beverage Concession Agreement.

Recommendation: Approval of a third amendment to the Airport Food and Beverage Concession Agreement with Host International (“Host”), Inc., to:

- (a) Reimburse Host for the cost of constructing certain improvements to correct unanticipated structural defects and to bring several of the concession spaces into compliance with the fire requirements of the Uniform Building Code, increasing the already-approved total reimbursement of \$250,000 for concession improvements constructed by Host by \$139,400, for a total not to exceed reimbursement amount of \$389,400; and
- (b) Add two new concession locations to the agreement, which will serve the upcoming Interim Federal Inspection Service Facility (“FIS”), with expected additional annual revenue to the City of \$60,000; and
- (c) Authorize reimbursement to Host for utility stub-outs and “vanilla shell” construction for the new FIS locations, in an amount not to exceed \$230,000; and
- (d) Temporarily modify the rent structure for one of the new FIS locations by authorizing an initial rent of 8% of gross revenues per month, to increase to 12% of gross revenues once Host’s total gross revenues in Terminal A achieve a threshold of \$11,500,000 in any 12-month period.

CEQA: Resolution No. 67380. (Airport)

(Deferred from 6/4/02 – Item 8.2 et al., and 6/18/02 – Item 8.1)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 3:30 P.M. TO CONSIDER ITEM 10.1(b) & (c) IN A JOINT SESSION.

10.1 Approval of the responses to the Written Objections to the Fifteenth Amended Century Center Redevelopment Plan and the Strong Neighborhoods Initiative Redevelopment Plan; and acceptance of property interest disclosures.

Recommendation:

- (a) Adoption of a resolution by the City Council approving responses to written objections from property owners and/or taxing entities to the adoption of the Fifteenth Amended Century Center Redevelopment Plan and the merger of the Fifteenth Amended Century Center Redevelopment Plan into the San José Merged Area Redevelopment Plan, and direction to staff to transmit the responses to the objecting property owners and/or taxing entities.

10.1(a) Deferred to August 6, 2002.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of the responses to the Written Objections to the Fifteenth Amended Century Center Redevelopment Plan and the Strong Neighborhoods Initiative Redevelopment Plan; and acceptance of property interest disclosures. (Cont'd)

Recommendation:

- (b) Adoption of a resolution by the City Council approving responses to written objections from property owners and/or taxing entities to the adoption of the Strong Neighborhoods Initiative Redevelopment Plan and the merger of the Strong Neighborhoods Initiative Redevelopment Plan into the San José Merged Area Redevelopment Plan, and direction to staff to transmit the responses to the objecting property owners and/or taxing entities.

Resolution No. 71136 adopted.

Noes: Reed.

- (c) Acceptance by the City Council and Agency Board of disclosure of property interests by those reporting and direction that the disclosures be entered into the public minutes of the meeting.

(Redevelopment Agency)

(Orders of the Day)

Approved.

Noes: Reed.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 3:33 P.M.

- **Closed Session Report**

None.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9336	SW corner of Murillo Ave and Voltaire St.	8	Shapell Industries	81 lots	SFDR	Approve
9289	E/s Snell Avenue, S/o Capitol Expwy	10	Arcadia Development	1 lot	Multi-Family	Approve
9416	S/s Madden Ave, 700 ft., E/o N Jackson Ave	5	Madden Village, LLC	32 Units	SF Attached	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

Steve Cohen discussed his concerns regarding the homeless ordinance.

- **Adjournment**

The Council of the City of San Jose recessed at 5:00 P.M. and reconvened at 7:05 in a Joint Redevelopment Agency/Council meeting to hear Item 7.1.

**JOINT CITY OF SAN JOSÉ REDEVELOPMENT AGENCY/
CITY COUNCIL/FINANCING AUTHORITY
AGENDA**

1:30 P.M

TUESDAY, JUNE 25, 2002

CHAMBERS

1. **Call to Order**
3:37 p.m. Regular Session, Council Chambers, City Hall
Absent: Council Member Diquisto (excused)

2. **Approval of various actions related to financing actions for the new City Hall and related parking facilities.**

Recommendation:

- (a) Conduct a Public Hearing of the City Council concerning the approval of the financing by the City and the City of San José Financing Authority by the issuance of one or more series of bond anticipation notes and lease revenue bonds for a new City Hall and related parking facilities.

Approved.

- (b) Adoption of a resolution by the City of San José Financing Authority authorizing the issuance of bond anticipation notes in an amount not to exceed \$85 million in connection with the financing of a new City Hall and related parking facilities, authorizing and directing the execution of a Fiscal Agent Agreement, authorizing the negotiated sale of the Notes, approving an Official Statement and authorizing other related actions.

SJFA No. 55 adopted.

- (c) Adoption of a resolution by the City Council finding and determining that the new City Hall and related parking facilities improvements to be financed with the proceeds of the Notes and Lease Revenue Bonds constitute public capital improvements and that the issuance the Notes, any additional bond anticipation notes and Lease Revenue Bonds and the transactions related will result in significant public benefits and covenanting to cooperate fully with the Authority in the connection with the issuance of Lease Revenue Bonds or refunding Notes in order to refund the Notes and authorizing the execution of the documents necessary to transfer land for the new City Hall and related parking facilities from the Agency to the City and authorizing other related actions.

Resolution No. 71137 adopted.

**JOINT CITY OF SAN JOSÉ REDEVELOPMENT AGENCY/
CITY COUNCIL/FINANCING AUTHORITY**

- (d) Adoption of a resolution by the Redevelopment Agency Board authorizing execution of the documents necessary to transfer land for the new City Hall and related parking facilities from the Agency to the City of San José.
(Finance)

Redevelopment Agency Board Resolution No. 5321 adopted.

3. Approval of easements affecting the Convention Center and Marriott Hotel parcels.

Recommendation: Adoption of a resolution by the City of San José Financing Authority approving and ratifying certain easements by and among the City of San José, the San José Redevelopment Agency, and Walton San José Investors III, L.L.C., affecting the Convention Center Parcel and the Marriott Hotel Parcel.
(Finance/Redevelopment Agency)

SJFA Resolution No. 56 adopted.

4. Approval to purchase land from Novell, Inc. and to appropriate funds.

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Novell, Inc. a Delaware Corporation for the purchase of a parcel of land on Orchard Parkway (formerly O'Nel Drive) at Charcot Avenue (formerly Guadalupe Parkway) in the amount of \$30,000,000, and authorizing the City Manager to execute the necessary documents to complete the transaction.

Resolution No. 71138 adopted.

- (b) Adoption of the following Appropriation Ordinance amendments in the General Fund:

- (1) Establish an appropriation in City-Wide to the Office of the City Manager in the amount of \$300,000 for Novell Property Deposit.
- (2) Reduce General Fund Contingency Reserve by \$300,000.

Ordinance No. 26699 adopted.

- (c) Direction to City staff to proceed with the development of the bond financing documents for the issuance of lease revenue bonds to finance the acquisition of the Property.

Approved.

- (d) Adoption of a resolution of the City of San José Financing Authority stating its intent to issue tax-exempt debt to finance the acquisition of a parcel of land on Orchard Parkway at Charcot Avenue to the extent that the issuance of tax-exempt debt is feasible.

CEQA: Exempt, PP02-06-148. (City Manager's Office)

SJFA Resolution No. 57 adopted.

**JOINT CITY OF SAN JOSÉ REDEVELOPMENT AGENCY/
CITY COUNCIL/FINANCING AUTHORITY**

5. Adjournment:

The San José Financing Authority adjourned at 3:45 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

**7:00 p.m. Joint Session, Council Chambers, City Hall
Absent: Council Member Diquisto (excused)**

7.1 Approval of a DDA relating to the development of commercial properties in the Story Road Redevelopment Project Area in the vicinity of Story and King Roads.

Recommendation: Public Hearing and;

- (a) Adoption of a resolution by the City Council approving the sale of the project site (generally located on the commercial properties on the southwest and southeast corners of Story and King Roads) to BHV San Jose, LLC Accepting the 33433 Summary Report and Re-Use Appraisal, and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Story Road Redevelopment project Area and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA).

Resolution No. 71140 adopted.

Noes: Reed, Dando.

- (b) Adoption of a resolution by the Agency Board approving the proposed DDA between BHV San Jose, LLC, and the Redevelopment Agency for the redevelopment of the commercial property at the southeast and southwest corners fo Story and King Roads, authorizing the Executive Director to negotiate and execute purchase and sale agreements for site acquisition required under the DDA, technical amendments required by the Developers lender, and the master lease and sublease agreement for the Mercado, and authorizing the Executive Director to convey property to the developer once the conditions of conveyance have been met.

Redevelopment Agency Board Resolution No. 5322 adopted.

Noes: Reed, Dando.

JOINT REDEVELOPMENT AGENCY/COUNCIL

7.1 Approval of a DDA relating to the development of commercial properties in the Story Road Redevelopment Project Area in the vicinity of Story and King Roads. (Cont'd)

- (c) Adoption of a resolution by the Agency Board approving the Business Relocation Program for the Proposed retail redevelopment of the southwest and southeast corners of Story and King Roads

CEQA: Mitigated Negative Declaration (STORY ROAD)

Redevelopment Agency Board Resolution No. 5323 adopted.

Noes: Reed, Dando.

Council approved the staff recommendation and the proposed recommendation in the June 24, 2002 memo from Mayor Gonzales, Vice Mayor Shirakawa, Council Members Campos, Diquisto and Williams with the addition to staff that existing tenants of the Tropicana Shopping Center will be provided the opportunity to negotiate leases which will evenly phase in rent increases from current rates to fair market rents over the first five years after construction is complete.

The Joint Redevelopment Agency/Council adjourned at 10:50 p.m. Council Chambers, City Hall, San Jose.

JOINT REDEVELOPMENT AGENCY/COUNCIL

**4:45 p.m. Joint Session, Council Chambers, City Hall
Absent: Council Member Diquisto (excused)**

7.2 Approval of a loan program to assist building owners and tenants in the downtown.

Recommendation: Adoption of resolutions:

- (a) By the Agency Board approving the Retail Entertainment and Arts Loan Assistance Program to loans for building improvements to Downtown buildings to enhance the retail environment and improve the stability and diversity of downtown and Neighborhood Business Districts; and

Redevelopment Agency Board No. 5324 adopted.

- (b) By the City Council and Agency Board approving the Small Business Loan Program to provide reduced-rate financing, targeted to downtown and Neighborhood Business Districts, to stabilize and grow small retail businesses.

Resolution No. 71139 adopted.

Redevelopment Agency Board No. 5325 adopted.

The Joint Redevelopment Agency/Council recesses at 5:00 p.m. and reconvened at 7:05 p.m. to hear Item 7.1.